IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
APPEAL FROM ORDER NO.287 OF 2005

Laxman R. Mayekar Appellant

Vs.

Indrajit Jamnadas Thakkar & ors. Respondents

Mr.L.K.Tripathi for appellant.

CORAM: B.H.MARLAPALLE,J.
July 12, 2005.

ORAL ORDER:

1. By the impugned order dated 18-2-2005 the learned Judge of the City Civil Court at Mumbai on a Notice of Motion in S.C.Suit No.870 of 2005 noted that there was no prima facie case regarding possession and, therefore, the prayer for granting ad-interim relief was turned down. The notice of motion was directed to be registered and made returnable on 24-2-2005. The notice of motion is still pending and by order dated 18-2-2005 this Court directed the parties to maintain status quo in respect of the suit structure. The said order has been continued till this date. As per the office report the respondent nos.1, 6, 7, 9 and 10 could not be served with the status quo writ on account of change of address as per the bailiff's report.

2. Under the circumstances, it would be expedient that the pending notice of motion is heard and decided expeditiously.

3. It is, therefore, directed that Notice of Motion NO.705 of 2005 in S.C.Suit No.870 of 2005 be heard and decided on its own merits as expeditiously as possible and preferably by 31st October 2005. The order of status quo granted by this Court shall operate till the notice of motion is decided.

4. The appeal is disposed off in terms of the above directions.

(B.H.MARLAPALLE,J.)